

Appl. No. 10/807,213
Amdt. Dated Jul. 13, 2006
Reply to Office Action of April. 14, 2006

REMARKS

At first, the applicants acknowledge the examiner's action mailed on 04/14/2006.

Election/Restrictions

Newly submitted claims 9-15 are directed to an invention that is independent or distinct from the invention originally claimed.

The applicants have canceled claims 13-15 without prejudice. Meantime, the applicants have withdrawn claims 9-12. However, the applicants reverse the election or restriction about claims 9-12 since the applicants believe claims 1-7 and 9-12 are generic.

MPEP §806.05(c): the inventions are distinct if it can be shown that a combination as claimed:

(A) does not require that particulars of the subcombination as claimed for patentability (to show novelty and unobviousness).

MPEP §806.05(j): an intermediate product and a final product can be shown to be distinct inventions if the intermediate and final products are mutually exclusive inventions (not overlapping in scope) that are not obvious variants, and the intermediate product as claimed is useful to make other than the final product as claimed.

Now, referring to claim 1 and claim 9, claim 9 defines the same limitations as claim 1 except the limitation of "a carrier strip" defined in claim 1.

Apparently, claim 1 and claim 9 are overlapping in scope. Claim 1 remains the limitation of "a carrier strip" which is not patentable if claim 1

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does not require that particulars of claim 9.

Therefore, claim 1 and claim 9 are generic because *MPEP* §806.05(c) & *MPEP* §806.05(j) mentioned above do NOT be satisfied.

Furthermore, one ordinary skill in the art does not consider the intermediate product (claim 1) to be useful as a bridge/short-circuit element. If it can, the cited reference will also can be useful as a bridge/short-circuit element. But in fact, the cited reference cannot. Therefore, claim 1 cannot be useful as a bridge/short-circuit element.

Claim Rejections-35 USC 102

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pernet (US 5,860,821).

In regard to claim 1, a switching terminal comprises a carrier strip; a first terminal extending from an edge of the carrier strip; and a second terminal extending from the edge of the carrier strip, being substantially parallel to the first terminal and having a cutout defined in an edge thereof *to absorb distortion of the second terminal in the course of the second terminal bending to be substantially parallel to the first terminal.*

Referring to FIG. 1 of Pernet as follows, a contact strip 1 comprises an

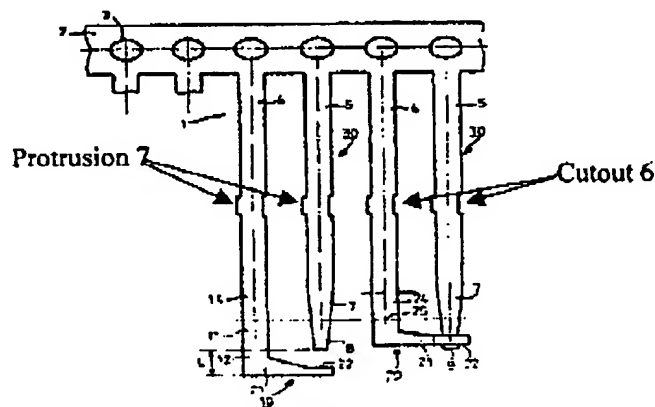


Fig. 1

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edge strip 2 and handling openings 3 together with pairs of contacts in the form of blade members 4 and 5. Each of the blade members 4 and 5 comprises a cutout designated with numeral 6 and an opposite protrusion designated with numeral 7. *The blade members 4 and 5 are parallel to each other.*

In this Office Action, the examiner reminds the applicants to note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art and the cutout of Pernet can absorb distortion if the terminal is bent at the cutout section.

Now, assuming the terminal of Pernet will be bent at the cutout section. Meantime, the applicants would like to remind the examiner to note that the claimed invention has different intended use with the cited reference just because of the structural difference. Now, illustrating as follows:

1. Referring to FIGS. 1-2 of the claimed invention, the cutout 1324 is arcuate, therefore, the cutout 1324 *can absorb distortion* of the second terminal in the course of the second terminal bending to be substantially parallel to the first terminal.

However, referring to FIG.1 of Pernet illustrated above, the cutout 6 is **rectangular**. It is apparent to one ordinary skill in the art that it is **impossible** that the **rectangular cutout 6** can absorb distortion. If distorted in position of the rectangular cutout 6 of the blade members 4 and 5. The blade members 4 and 5 will be **split** if they distort as the claimed invention.

Therefore, Pernet does not absorb distortion as the claimed invention.

2. Referring to FIG.1 of Pernet illustrated above, a **rectangular**

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protrusion 7 protrudes from one edge of the blade members 4, 5 opposite to the rectangular cutout 6. Because of existence of the rectangular protrusion 7, in any event, the blade members 4, 5 **must be split** if they distort as the claimed invention.

Therefore, it is proved again that Pernet does not absorb distortion as the claimed invention.

Apparently, even assuming the terminal will be bent at the cutout section, Pernet does not absorb distortion as the claimed invention.

On the other hand, the applicants would like to note that the blade members (terminals) 4 and 5 of Pernet **are parallel to each other at all times**. Therefore, the blade member 4 will not bend to be substantially parallel to the blade member 5. That is, the blade members 4, 5 will not be bent at the cutout sections 6.

However, the first terminal and the second terminal of the claimed invention **are not parallel to each other originally**, the cutout of the claimed invention is to absorb distortion of the second terminal *in the course of the second terminal bending to be parallel to the first terminal*. That is, the blade members 4 or 5 do **NOT** produce distortion similarly as the claimed invention. Therefore, the cutouts 6 are **NOT** to absorb the distortion of the blade members 4 or 5.

Obviously, Pernet does **not** disclose the feature of "a cutout defined in an edge thereof to absorb distortion of the second terminal in the course of the second terminal bending to be substantially parallel to the first terminal".

Therefore, claim 1 after amended is not anticipated by Pernet.

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Claims 2-7 are patentable since their dependency from the independent claim 1.

In regard to claim 9, the claim 9 has the feature of "the second terminal defining a cutout in an edge thereof to absorb distortion of the second terminal in the course of the second terminal bending to be substantially parallel to the first terminal". Similarly as the illustrations of claim 1, therefore, claim 9 is not anticipated by Pernet.

Claims 10-12 are patentable since their dependency from the independent claim 9.

In brief, the Examiner is correct that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In other word, if the prior art structure is incapable of performing the intended use, then it does NOT meet the claims. As illustrated above, the rectangular cutout shown in the prior art is NOT capable of absorbing distortion of the successive bending terminal because some portions of the rectangular cutout will be improperly bulged while the remainder will be improperly torn/split. In opposite, the cutout shown in the preferred embodiment allows such bending by absorbing the distortion thereof due to its smoothly curved configuration with capability of even shrinking. Thus, the cited prior art can not anticipate the subject matters defined in claim 1-7 and 9-12.

In view of the above claim amendments and remarks, the subject application is believed to be in a condition for allowance and an action to such effect is earnestly solicited.

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